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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,766	10/02/2003	Eva Tois	SEPP21.001C1	1629
20995 7590 01/24/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER SONG, MATTHEW J	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 01/24/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

10/678,766

**Applicant(s)**

TOIS ET AL.

**Examiner**

Matthew J. Song

**Art Unit**

1792

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-24 and 26-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/31/2007</u> . | 6) <input type="checkbox"/> Other: _____  |



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



3. Claims 1, 3-9, 11-24, and 26-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al ("Surface Chemistry for Atomic Layer Growth") in view of Sandhu et al (US 6,313,035), Leskela et al (Journal De Physique IV for IDS filed 10/31/2007); and Suntola et al (US 6,015,590).

George et al discloses a method of atomic layer growth of  $\text{SiO}_2$  using  $\text{SiCl}_4$  and  $\text{H}_2\text{O}$  in an atomic layer epitaxial method. George et al also discloses deposition of other oxides such as  $\text{Al}_2\text{O}_3$ ,  $\text{SnO}_2$ ,  $\text{TiO}_2$ ,  $\text{ZrO}_2$ ,  $\text{In}_2\text{O}_3$ , and  $\text{HfO}_2$  (pg 13122). George et al also discloses The surface functional groups also provide the technical means to alternate between various materials with atomic layer control and form superlattices (pg 13131), this clearly suggests applicants' multicomponent mixed oxide thin film because applicant's teach that a multicomponent film is achieved by growing some other oxide onto the growth substrate between silicon dioxide growth cycles, note paragraph [0041] of the published specification in US 2004/0065253. George et al discloses repeating A and B reactions to form a desired layer (pg 13124), this reads on applicant's plurality of deposition cycles.

George et al does not disclose a multicomponent thin film comprising silicon and a transitional metal. George et al discloses ALE for a variety of oxide materials including  $\text{SiO}_2$  and  $\text{Al}_2\text{O}_3$ ,  $\text{SnO}_2$ ,  $\text{TiO}_2$ ,  $\text{ZrO}_2$ ,  $\text{In}_2\text{O}_3$ , and  $\text{HfO}_2$ .

In a method of forming a multicomponent oxide layer, note entire reference, Sandhu et al teaches a multi-component oxide layer comprises a mixture of a metal oxide and silicon oxide, specifically a silicon oxide and titanium oxide (claims 1 and 3). Sandhu et al also teaches the multi-component layer may be formed using CVD and may also be



deposited using other processes (Abstract). Sandhu et al teaches the titanium silicon oxide layer may be used in a memory cell, as a capacitor oxide or other semiconductor devices or structures (col 8, ln 1-35). Sandhu et also teaches other combinations of dielectric and metals can be used. (col 8, ln 1-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify George et al by selecting silicon dioxide and  $\text{Al}_2\text{O}_3$ ,  $\text{SnO}_2$ ,  $\text{TiO}_2$ ,  $\text{ZrO}_2$ ,  $\text{In}_2\text{O}_3$ , or  $\text{HfO}_2$  because a mixture of a metal oxide and a silicon oxide to form a useful multi-component oxide layer which can be used to manufacture a useful semiconductor device, as taught by Sandhu et al (col 8, ln 1-65).

The combination of George et al and Sandhu et al does not teach a plurality of consecutive deposition cycles that each deposit only a  $\text{MSiO}_x$ .

Leskela et al teaches ternary metal oxides by ALE formed by pulsing the precursors in a sequence corresponding to the stoichiometry. (C5-946), this clearly suggest applicant's plurality of consecutive deposition cycles that each deposit only a  $\text{MSiO}_x$  because only M, Si and O are used in the deposition, where M is A1, Si is A2 and O is B, based on the reactants taught by George et al.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of George et al and Sandhu et al by using a 1:1 ratio to produce a ternary oxide having a desired stoichiometry, as taught by Leskela et al.

The combination of George et al, Sandhu et al and Leskela et al does not teach purging the reactor with an inert gas after each pulsing.

In a method of growing thin films using atomic layer epitaxy, Suntola et al teaches an interval between reactant pulses for evacuation of the entire gas volume in an



apparatus during the interval between two successive reactant pulses and an inactive gas, this reads on applicant's inert gas, may be advantageously introduced to the reaction space during the evacuation (col 11, ln 20-40).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of George et al, Sandhu et al and Leskela et al by purging the reactor with an inactive gas to prevent CVD film growth conditions, which are detrimental in an atomic layer epitaxy process (col 7, ln 50 to col 8, ln 20), as taught by Suntola et al.

Referring to claim 2, George et al teaches the growth rate is dependent on the number of reaction cycles (pg 13127), this clearly suggests applicant's process is repeated to form a layer of a desired thickness.

Referring to claim 3-7, George et al teaches using  $\text{SiCl}_4$ ,  $\text{HfCl}_4$  and  $\text{H}_2\text{O}$  as reactants (pg 13122).

Referring to claim 8-9, George et al teaches deposition at 600 K ( $\sim 327^\circ\text{C}$ ) (pg 13123).

Referring to claim 11-12, George et al teaches groove material with flat portions (Figure 1).

Referring to claim 13, George et al teach the deposition of dielectric films on trench or stacked capacitors for DRAM high storage memory (pg 13130) and Sandhu et al teaches forming a variety of semiconductor devices (col 8, ln 20-30); therefore forming on an electrode to form a semiconductor device would have been obvious to one of ordinary skill in the art.



Referring to claim 14-15, George et al teaches a superlattice structure formed by alternating various materials, which include  $\text{HfO}_2$ ,  $\text{TiO}_2$ ,  $\text{Al}_2\text{O}_3$  and  $\text{ZrO}_2$  (pg 13122 and 13131).

Referring to claim 16-18, George et al teaches  $\text{SiO}_2$  gate oxides in MOSFET devices (pg 13121 col 1), deposition on a silicon surface (pg 13123 col 1) and the deposition higher dielectric gate oxide materials, such as  $\text{TiO}_2$  and  $\text{Al}_2\text{O}_3$  (pg 13130 col 2).

Referring to claims 19-20, combination of George et al, Sandhu et al, Leskela et al and Suntola et al teaches pulsing reactants to produce a desired stoichiometry, this clearly suggests using different ratios (Leskela et al pg C5-946).

Referring to claim 22, the combination of George et al, Sandhu et al, Leskela et al and Suntola et al teaches forming silicon oxide by pulsing a silicon compound followed by  $\text{H}_2\text{O}$ , forming a metal compound by pulsing a metal compound followed by  $\text{H}_2\text{O}$  (George pg 13122) and purging the reactor between reactant pulses ('590 col 11, ln 30-40) to form a superlattice of various materials (pg 13131).

Referring to claim 24, the combination of George et al, Sandhu et al, Leskela et al and Suntola et al teach self-limiting reactions (George et al Abstract).

Referring to claim 34-35, a cycle is a relative term and thus can be defined to include multiple layer depositions, i.e. a cycle can be defined to be two silicon oxide layer and two metal oxide layers. The combination of George et al, Sandhu et al, Leskela et al and Suntola et al clearly suggest a cycle of  $\text{Si} \rightarrow \text{oxygen} \rightarrow \text{metal} \rightarrow \text{oxygen} \rightarrow \text{Si} \rightarrow \text{oxygen} \rightarrow \text{metal} \rightarrow \text{oxygen}$ , which includes multiple silicon and first reactants a plurality of times in a cycle.



Referring to claim 36-39, the combination of George et al, Sandhu et al, Usui and Suntola et al teaches a similar method of alternating silicon and metal oxide deposition. The combination of George et al, Sandhu et al, Usui and Suntola et al does not teach the growth rate of the  $\text{MSiO}_x$  is higher than the rate of ALD of the metal oxide and silicon oxide from which the metal oxide is formed. This limitation is directed to an effect of the process; therefore the effect of increased growth rate is expected because a similar method is expected to produce similar results.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over George et al (“Surface Chemistry for Atomic Layer Growth”) in view of Sandhu et al (US 6,313,035), Leskela et al (Journal De Physique IV for IDS filed 10/31/2007);and Suntola et al (US 6,015,590) as applied to claims 1, 3-9, 11-24, and 26-39 above, and further in view of Lowrey et al (US 5,891,744).

The combination of George et al, Sandhu et al, Leskela et al and Suntola et al (‘590) teach all of the limitations of claim 10, as discussed previously, except the thin multicomponent oxide is formed on a hemispherical grain structure.

In a method of monitoring the effects of hemispherical grains, Lowrey et al teach the capacitance of a polysilicon layer can be increased by increasing surface roughness of the polysilicon film and one type of polysilicon film, which maximizes a roughness of an outer surface is hemispherical grain polysilicon (col 1, ln 10-67). Lowery et al also teaches deposition of a dielectric on a hemispherical grain area, which forms a capacitor (col 4, ln 1-15).



The combination of George et al, Sandhu et al, Leskela et al and Suntola et al ('590) teach the deposition of dielectric films on trench or stacked capacitors for DRAM high storage memory (George pg 13130 col 2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of George et al, Sandhu et al, Leskela et al and Suntola et al ('590) by deposition the dielectric layer on a substrate having a hemispherical grain, as taught by Lowery et al, to enhance the capacitance of the capacitor.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 3-24, and 26-39 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a metal silicon oxide is taught by Sandhu et al is a useful material which can be produced by vapor deposition techniques. George et al teaches a method of forming multicomponent superlattices, thus



teaches a process which is capable of producing the useful material taught by Sandhu et al. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify George et al to produce the useful metal silicon oxide material taught by Sandhu et al.

Applicant's argument of unexpected results is noted but not found persuasive. Applicant alleges that a cycle is a single cycle of a metal oxide or a single cycle of a silicon oxide, not a cycle comprising a silicon oxide and metal oxide, as alleged by the Examiner. Applicant alleges that the Examiner is misinterpreting the results presented in the specification. The specification does not provide the interpretation of cycle as alleged by applicant. A cycle comprising both a metal and a silicon oxide deposition (the Examiner's position) is clearly evidenced by the language of claim 1 which defines a cycle as contacting a silicon compound, metal compound, and converting to metal oxide by contacting with a oxygen source. Therefore, the examiners interpretation of "cycle" is accurate and the results are not unexpected, as discussed in the prior action.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Song whose telephone number is 571-272-1468. The examiner can normally be reached on M-F 9:00-5:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J Song  
Examiner  
Art Unit 1792

MJS  
January 17, 2008

*/Robert Kunemund/*

*Robert Kunemund*

*Primary Examiner*

*TC 1700*